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EXAMINER	
KIBLER, VIRGINIA M	

ART UNIT	PAPER NUMBER
2623	16

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/445,304	FUJIEDA, SHIRO	
	Examiner	Art Unit	
	Virginia M Kibler	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 25 September 2003.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-48 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-48 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. The amendment received on 9/25/03 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7-9, 11, 12, 19, 31, 32, 43, 47, and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Mine et al. (JP 09-054828).

Regarding claims 1, 31, 32, and 48, Mine et al. ("Mine") discloses a gradient calculation means for calculating at least the direction of the level gradient of each of a plurality of processing units in a given image data including a plurality of pixels, the pixels respectively having level data (Abstract), line segment formation means for producing line segment image data representing a line segment for each of the plurality of processing units, each line segment having a given length and direction corresponding to the direction of each level gradient which is calculated by the gradient calculation means (Figure 12b; Para. 0059), and line segment image storage means for storing the line segment image data produced by the line segment formation means (Para. 0059).

Regarding claim 2, Mine discloses an image storage means for storing the given image data (Para. 0002).

Regarding claim 3, Mine discloses an image data extraction means for extracting image data in a processing region set in input image data and feeding the extracted image data to the gradient calculation means (Para. 0002).

Regarding claims 7, 8 an 9, Mine discloses the gradient calculation means calculates the magnitude of the level gradient in addition to the direction (Para. 0038) and the line segment formation means produces line segment image data having a level corresponding to the magnitude of the level gradient which is calculated by Sobel operator or Prewitt operator (Para. 0052-0054), thereby the gradient calculation means only when the magnitude of the level gradient is not less than a predetermined threshold.

Regarding claim 11, Mine discloses the line segment storage means stores new line segment image data without subjecting the line segment image data to addition processing (Para. 0059).

Regarding claim 12, Mine discloses the line segment formation means produces a line segment having a predetermined length in a direction corresponding to the calculated direction of the level gradient from the position of the processing unit (Figure 12b).

Regarding claim 19, Mine discloses an image input means having a camera for producing image data and feeding the produced image data to the gradient calculation means (Para. 0002).

Regarding claim 43, Mine discloses the direction of the level gradient is a direction of a composite vector of a vector having a level gradient along the x-axis and a vector having a level gradient along the y-axis (Figure 5).

Regarding claim 47, Mine discloses a line segment image processing means for processing line segment image data stored in the line segment image storage means (Para. 0002).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 20-22, 28-30, 33, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mine et al. (JP 09-054828).

Regarding claims 28, 33, 34, Mine et al. ("Mine") discloses a gradient calculation means for calculating at least the direction of the level gradient of each of a plurality of processing units in a given image data including a plurality of pixels, the pixels respectively having level data (Abstract), line segment formation means for producing line segment image data representing a line segment for each of the plurality of processing units, each line segment having a given length and direction corresponding to the direction of each level gradient which is calculated by the gradient calculation means (Figure 12b; Para. 0059), and line segment image storage means for storing the line segment image data produced by the line segment formation means (Para. 0059). Mine further discloses a display means for displaying images (Para. 0002; Figure 12;

Para. 0059). Mine does not appear to expressly state displaying the line segment images represented by the line segment image data produced by the image processing means. However, displaying images is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the display disclosed by Mine to specify displaying the line segment images because it is routinely implemented in computer graphics as a visual aid and is a matter of design choice.

Regarding claims 20-22, 29, and 30, the arguments analogous to those presented above for claim 28 are applicable to claims 20-22, 29, and 30. Mine discloses means for extracting an edge of the image represented by the given image data (Figure 12b). It would have been an obvious matter of design choice to display the image represented by the extracted edge with image overlapped with the line segment image because it is routinely implemented in computer graphics as a visual aid.

Regarding claim 44, Mine discloses the direction of the level gradient is a direction of a composite vector of a vector having a level gradient along the x-axis and a vector having a level gradient along the y-axis (Figure 5).

6. Claims 16, 23, 26, 27, 35-41, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mine et al. (JP 09-054828) in view of Huang et al. (5,903,660).

Regarding claims 35 and 16, Mine discloses means for extracting a plurality of edges whose level gradients are not less than a predetermined value in the given image data (Para. 0052-0054) and means for setting for each of the edges, a line segment extending a predetermined length in a direction corresponding to the direction of the extracted edge (Para. 0027), Mine does not appear to recognize detecting the presence or absence of a point of

intersection of a plurality of line segments and the position thereof. However, Huang et al. ("Huang") teaches that it is known to detect the presence of a point of intersection of a plurality of line segments (Col. 6, lines 62-67, Col. 7, lines1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the line segments disclosed by Mine to include detection the intersection as taught by Huang because it allows for the detection of the center of a circle as well as the radius.

Regarding claim 36, Mine discloses the direction of the line segment is a direction perpendicular to the direction of the edge (Figure 12).

Regarding claim 45, Mine discloses the direction of the level gradient is a direction of a composite vector of a vector having a level gradient along the x-axis and a vector having a level gradient along the y-axis (Figure 5).

Regarding claim 37, the arguments analogous to those presented above for claim 35 are applicable to claim 37. Mine discloses an image input means for inputting image data representing an inspection object (Para. 0002).

Regarding claim 38, Mine discloses the direction corresponding to the direction of the level gradient is the direction of the level gradient (Abstract).

Regarding claims 39, 40, and 46, the arguments analogous to those presented above for claims 20, 21, and 43 are applicable to claims 39, 40, and 46, respectively.

Regarding claims 23 and 41, the arguments analogous to those presented above for claims 16 and 28 are applicable to claims 23 and 41. While Mine and Huang do not appear to recognize displaying a mark at the intersection, it would have been an obvious matter of design

choice because it is a visual aid routinely implemented in computer graphics in order emphasize the location.

Regarding claims 26 and 27, the arguments analogous to those presented above for claims 21 and 22 are applicable to claims 26 and 27.

7. Claims 4, 5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mine et al. (JP 09-054828) as applied to claim 1 above, and further in view of Lin et al. (6,292,582).

Regarding claim 4, Mine does not disclose a means for setting. However, Lin discloses a means for setting the processing region. The decomposition window 98 or the "processing region" may have a default search pattern (Col. 10, lines 10-11). The search pattern of the processing region may be set by programming (Col. 10, lines 54-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the processing region disclosed by Mine to include a means for setting as taught by Lin, because it is well known in the art and provides the user the ability to determine the processing region.

Regarding claim 5, Mine does not appear to expressly state using gray level image data. However, Lin teaches that it is known to produce image data at a gray level (Col. 13, line 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the image data disclosed by Mine to include gray level image data as taught by Lin because it is well known in the art and is a matter of design choice.

Regarding claim 10, Mine does not appear to recognize adding the new line segment to the line segment image data already stored at each pixel. However, Lin teaches that it is known to include a storage means that appends or "adds" new image data to data already stored at each of the pixels (Col. 15, lines 59-62). Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention to have modified the storage disclosed by Mine to include adding the image data as taught by Lin because it is well known in the art and would be an obvious matter of design choice.

8. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mine et al. (JP 09-054828) as applied to claim 1 above, and further in view of Tachibana (5,898,440).

Regarding claim 13, Mine does not appear to recognize giving the distance from the position of the processing unit to an initial point and the distance from the processing unit to an initial point and the distance from the processing unit to a terminal point. Tachibana teaches that it is known to have a line segment formation means that produces a line with given parameters (Col. 5, line 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the line segment formation disclosed by Mine to include given parameters as taught by Tachibana thereby including a predetermined length and a distance from the processing unit to an initial point and a terminal point in order to form line segments of a specified length because it is well known in the art and would be an obvious matter of design choice.

Regarding claims 14 and 15, the arguments analogous to those presented above for claim 13 are applicable to claims 14 and 15. Note that allowing for given parameters (Col. 5, line 7) is a means for setting.

9. Claims 17, 18, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mine et al. (JP 09-054828) as applied to claim1 above, and further in view of King et al. (5,929,557).

Regarding claims 17, 18, 24, and 25, Mine discloses an image processing apparatus that has line segment image data stored in a line segment image storage means. Mine does not recognize the need for detecting the position of the pixel having the maximum of the levels of the line segment image data. However, King et al. ("King") teaches a means for detecting the position of the pixel having the maximum gradient (Col. 11, lines 2-7). King discloses a means for judging whether or not the maximum level exceeds a predetermined threshold (Figure 9, element 320). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the image apparatus as disclosed by Mine to use the means for detecting the position of the pixel having the maximum gradient, as taught by King, in order to detect the position of the pixel having the maximum of the levels of the line segment image data stored in the line segment image storage means. King indicates the pixel that has the maximum level with a mark as shown in Figure 6 by elements 76a-76d. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed the mark indicating the pixel with the maximum level as disclosed by King superimposed or "overlapped" with the image, as taught by Mine, in order to clearly illustrate the mark.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mine et al. (JP 09-054828) as applied to claim 1 above, and further in view of Williams et al. (6,427,030).

Regarding claim 6, Mine does not appear to recognize producing line segment image data at a binary level. However, Williams et al. ("Williams") teaches that it is known to convert gray level pixel image data to binary level pixel image data (Col. 1, lines 30-34). Therefore, it would have been obvious to one of ordinary skill to have modified the line segment formation means as disclosed by Mine to produce line segment image data at a binary level, as taught by Williams, in

order to reduce the multi-level gray image data to a limited number of levels so that it requires less processing time and it is printable by a standard printer (Col. 1, lines 26-28).

11. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mine et al. (JP 09-054828) and Huang et al. (5,903,660) as applied to claim 37 above, and further in view of Tachibana (5,898,440).

Regarding claim 42, the arguments analogous to those presented above for claims 14 and 15 are applicable to claim 42.

Response to Arguments

12. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Other Prior Art

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,154,566 to Mine et al. for determining similarity and position.

Contact Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072. The examiner can normally be reached on Mon-Thurs 8:00 - 5:30 and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

VK
12/12/03

MEHRDAD DASTOURI
PRIMARY EXAMINER